

### **REMARKS**

Claims 1-26 are pending in the present application. The Office Action dated April 24, 2008 has rejected Claims 1-5, 15-21, and 23-26 and objected to Claims 6-14 and 22. In this paper Claim 1 has been amended and no claims have been cancelled or added. No new matter is added by way of this amendment.

### **Allowed Claims (6-14 and 22)**

Claims 6-14 and 22 were identified as being allowable if rewritten in independent form. The applicant's representative wishes to thank the Examiner for indicating that these claims contain patentable subject matter. Although the applicant's representative agrees with the Examiner's conclusion, Claims 6-14 and 22 may be patentable for reasons other than those cited by the Examiner. Further, the applicant's representative respectfully submits that amended independent Claim 1 and Claims 2-5, 15-21, and 23-26, which depend from amended Claim 1, are patentable for at least any one of the following reasons. For at least this reason, it is respectfully submitted that Claims 1-26 are in condition for allowance.

### **Claims 1-5 and 15-20**

Claims 1-5 and 15-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,063,529 to Cook ("Cook"). Each of these rejections is respectfully traversed.

It is respectfully submitted that the rejection to amended independent Claim 1 should be withdrawn at least because Cook does not disclose a piston with a passageway through the piston "for transmitting pressure acting on the end of the piston through the piston to the friction drive actuator" such that the pressure acting on the end of the piston also acts on the friction drive actuator to effect movement of it," as recited in amended Claim 1 (Emphasis added).

Cook discloses an engagement apparatus with two stages of operation. In a first stage, Cook's fluid operated piston 40 moves axially to engage a friction-type clutch. When Cook's piston 40 has moved a predetermined distance, a second stage begins in which the fluid action on Cook's piston 40 is transmitted to Cook's pistons 90. During this second stage, Cook's pistons 90

move a lock up plate 82 axially to engage a positive-type clutch. Figures 2 and 3 of Cook illustrate these first and second stages, respectively.

Cook's Figure 3 shows that when the positive-type clutch is engaged, Cook's friction-type clutch is also engaged. (See also Cook, Col. 2, lines 59-62). Thus, it is essential that the fluid pressure on Cook's piston 40 and Cook's pistons 90 is maintained to prevent disengagement of both clutches.

One consequence of having Cook's friction-type clutch fully engaged during engagement of Cook's lock up plate 82 and support element 24 is that proper physical engagement is not guaranteed, even though the rotational speeds of Cook's lock up plate 82 and the support element 24 have been substantially equalized. Because Cook's friction-type clutch is active, any misalignment of the splines on Cook's lock up plate 82 and support element 24 during engagement will meet with resistance. Such resistance can cause wear or even prevent full positive lock.

In contrast to Cook, the friction drive actuator of amended Claim 1 is moved axially to activate a friction drive by pressure transmitted through the passageway in the piston which moves a first rotatable member axially to effect positive engagement. This is actually the opposite set up to Cook. In particular, the pressure on the friction drive actuator (i.e. the pressure transmitted through the passageway) may be activated separately from the pressure on the piston. Consequently, the friction drive can be deactivated during positive engagement of the first rotatable member, which overcomes the problems with the device of Cook because the positively engaging parts of Claim 1 are free from any friction drive forces.

It is respectfully submitted that the rejections to Claims 2-4 and 15-20 should be withdrawn at least because these claims depend from amended Claim 1.

### **Claims 21 and 23-26**

Claims 21 and 23-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,934,498 to Knowles ("Knowles") taken with Cook. Each of these rejections is respectfully traversed.

It is respectfully submitted that the rejections to Claims 21 and 23-26 should be withdrawn at least because these claims depend from amended Claim 1.

Further, it is respectfully submitted that the rejections to Claims 21 and 23-26 should also be withdrawn because the proposed modification would render the device of Cook unsuitable for its intended purposes (see MPEP 2143.01). In Knowles the direction in which the friction drive is activated and the direction in which the sleeve is moved into positive engagement are opposite. Cook, however, teaches that engagement of a friction-type clutch and a positive-type clutch are in the same direction. Thus, the proposed modification as taught by Knowles would render Cook's device inoperable.

### **CONCLUSION**

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. The Examiner is encouraged to contact the applicant's representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. The applicant reserves the right to raise these arguments in the future.

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Respectfully submitted,

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